

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-04-327 FCD GGH P

vs.

STEVEN MICHAEL KELLY,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Although doubtful, since movant could be entitled to the requested relief if he can establish a violation of his constitutional rights on some of the grounds asserted, respondent is directed to file an answer within thirty days of the effective date of this order. See Rule 4, Rules Governing Section 2255 Proceedings.

Respondent shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

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The Clerk of the Court shall serve a copy of this order, together with a copy of movant's motion, on the United States Attorney or his authorized representative.

DATED: 08/01/08

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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